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APRIL 17, 1986

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: Edith M. Netter, Assistant Director, Land Use
and Environmental Policy

DATE: April 10, 1986

RE: BOSTON CIVIC DESIGN COMMISSION

This memo is in response to comments made by members of the Authority and the public on the proposed Boston Civic Design Commission. Many individuals, speaking on behalf of organizations, expressed their support for the Commission. Some of the speakers recommended changes in the proposed amendments, some of which have been incorporated into a revised draft of Article 28:

I. Comments

1. There should be criteria for determining what constitutes a "project of special significance":

Proposed Changes

Revise Section 28-4 (A) to establish criteria for projects of special significance:

- a. In visual proximity to or within 500' of a landmark building designated as category "1", "2", or "3" by the Boston Landmarks Commission, an architectural district established by the Boston Landmarks Commission or by state legislation, or a National Register District.
- b. Visually prominent from a significant open space area or from a significant public right-of-way;
- c. Located in areas of special historic interest.

- d. Projects that are situated in such a way as to have a significant impact on the visual quality of the surrounding area.

2. There should be a majority of design professionals on the Commission.

Revise Section 28-6 to delete engineers from the provision that "at least seven members shall be professionals in the fields of architecture, urban design or engineering.

3. Members' terms should be staggered.

Revise Section 28-8 to provide that upon establishing the Commission the terms shall be varied, 3, 2 and 1 years. Thereafter, each member's term shall be 3 years.

4. The conflicts provision should prohibit partners of Commission members from appearing before the Commission.

Revise Section 28-17 to provide that "the members of the Design Commission shall be subject to M.G.L. c. 268A."

II. Comments

Changes not proposed

1. All of the design professionals must be registered.

In certain instances a design professional might not be registered, for instance, if he is teaching and has not practiced his profession. Although in most instances the design professionals on the Commission will be registered, we did not want to preclude a design professional who would make a contribution to the Commission membership.

2. The design professionals on the Commission should be nominated by organizations and represent such organizations.

Our recommendation is that the Mayor, the duly elected executive of the City, should retain the prerogative to select members based on nominations made by a wide range of organizations and individuals.

3. Two-thirds of those members present and voting should be the prerequisite for disapproval.

The current provision (2/3 of those members without conflicts) is appropriate in that members should should have to attend a meeting to show their disapproval.

III. Process

The proposed amendment establishing the Boston Civic Design Commission was drafted after:

- o Briefing many individuals and organizations on the proposed "Downtown Guidelines" and presenting them with initial ideas on what was then referred to as the Design Advisory Board.
- o Reviewing other design commission ordinances, the AIA model ordinance and the regulations establishing the Washington D.C. Fine Arts Commission.
- o Establishing a "working group" comprised of representatives of the Boston Society of Architects and the Chamber of Commerce to propose a zoning amendment establishing the Boston Civic Design Commission.
- o Sending copies of the proposed amendment to people that have expressed an interest in the Design Commission.

Comments were solicited over the course of a year, though most of the fine tuning was done during the last few months, with the help of the BSA/Chamber working group.

MEMORANDUM

APRIL 17, 1986

TO: Boston Redevelopment Authority and
Stephen Coyle, Director

FROM: Edith Netter, Assistant Director, Land Use
and Environmental Policy

RE: Boston Civic Design Commission

Last year you and the Mayor announced your desire to establish the Boston Civic Design Commission, an advisory body to the city and the Authority on urban design issues. Since that time the Authority's staff has worked with representatives of the design and business communities and the Mayor's staff to draft an amendment to the zoning code to establish the Commission.

The premise of this Amendment creating the Boston Civic Design Commission is that the citizens of Boston have a responsibility to participate in shaping the public realm, and that this responsibility begins with the public review of the design of large-scale and other significant public and private projects. This Amendment establishes a process to allow the public that responsibility, and undertake the complex balancing of the rights of private expression with the cultural values expressed in Boston's existing public realm.

The public realm is that aspect of the urban environment which is visible and accessible to the public, including both spaces and the building walls which frame them. The concept encompasses areas long thought of as public such as parks,

tree-lined boulevards, sidewalks, and streets. It also includes some areas held in private ownership, but which are, in terms of their nature, function, or significance or their impact on the streetscape or the existing historic context, truly public, such as the design of buildings, their lobbies, and connecting passageways. The principle of the public realm rests on the belief that the public has a historic, necessary, and abiding interest in the way the city develops and changes because cities by their nature and function are public places as well as clusters of private property.

The purpose of the Commission would be to assist and advise the city in the design review of large-scale projects and projects of special architectural significance to Boston, such as important buildings or spaces, parks, open space, civic and cultural centers, and monuments. In reviewing the design of these projects, the Commission will protect and enhance the public realm. The Commission's jurisdiction and purpose would be similar to that of the Fine Arts Commission in Washington, D.C. in that it would assist the Authority and the Mayor in protecting the character of historic areas and reviewing plans for new buildings, parkland and monuments.

The Commission would be composed of thirteen mayorally appointed members. Seven would be members of the design community--architects, landscape architects, and urban designers.

Each member would be appointed to a three year term. The Commission would be required to hold a public meeting on each project and to keep a record of its decisions.

Plans submitted by developers pursuant to the Authority's existing Development Review Procedures would be forwarded to the Commission for its review. By reviewing plans at an early stage in the design process, this would allow the Commission and the city, working together, to alter a project's design, if needed, without unnecessary costs and delays to the developers. Recommendations by the Commission to approve, approve with modification, disapprove or study further would be based on design criteria set out by the BRA, such as Growth Policies for Central Boston (the Downtown Guidelines) or district guidelines.

The Commission's strongest power would be to "disapprove" a project upon a two-thirds vote of its membership. Once a project is disapproved, the city or the BRA must require a redesign, unless the Mayor or the Authority provides a written explanation of the basis of a project approval. Several commissions and committees already exist to review development proposals. The Commission will not replace them or other groups formed to advise on various aspects of specific projects. Rather, the review of the Commission and its advice to the city will supplement their activities, adding a focused and informed perspective on matters of design.

An appropriate vote follows:

VOTED: The Director is authorized to petition the Zoning Commission for the adoption of an amendment to the Zoning Code establishing the Boston Civic Design Commission. The Commission would serve the purposes listed in Section 2 of the Amendment.